

379
BILL NO. Z-89-01-22

ZONING MAP ORDINANCE NO. Z-

Withdrawn

AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. M-2.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
FORT WAYNE, INDIANA:

1. SECTION 1. That the area described as follows is
hereby designated a B-3-B (General Business) District under
the terms of Chapter 33 of the Code of the City of Fort
Wayne, Indiana of 1974:

Lots #137 and #138 in Hamilton's Fourth Addition to the
City of Fort Wayne, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. M-
2, as established by Section 11 of Chapter 33 of the Code of
the City of Fort Wayne, Indiana are hereby changed
accordingly.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage and approval by the
Mayor.

Janet G. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Allen, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19_____,

ATTEST

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

RECEIPT

No 2846

COMMUNITY DEVELOPMENT & PLANNING

ck # 5004
FT. WAYNE, IND., 12-22-1988

RECEIVED FROM

THE SUM OF

ON ACCOUNT OF

Witmer Center
One hundred + 00/100 \$ 100.00 DOLLARS
1809 S. Clayton
F.W.B.

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We B. T. S. REALTY INC.
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-3 District to a/an B-3B District the property described as follows:

Lots #137 and #138 in Hamilton's Fourth Addition to the City of
Fort Wayne, Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1809 S. Clinton Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

<u>B. T. S. REALTY INC.</u>	<u>1819 S. Calhoun Street</u>	<u><i>Neil R. ...</i></u>
_____	_____	_____
_____	_____	_____
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

<u>Z. K. Tazian Associates</u>	<u>345 W. Wayne St. 46802</u>	<u>(219)424-3232</u>
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots #137 and #138 in Hamilton's Fourth Addition to the City of Fort Wayne,
Indiana.

Owners of Property

B.T.S. REALTY, INC.

1819 S. Calhoun Street

Paul H. Angel, sub

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 24, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-01-22: and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 23, 1989.

WHEREAS, a letter requesting WITHDRAWAL of the proposed ordinance has been filed with the City Plan Commission.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be withdrawn in accordance with the written request.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 6, 1989.

Certified and signed this
16th day of March 1989.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE

APPROVAL DEADLINE

REASON

Zoning Ordinance Amendment

From R-3 to B-3-B

DETAILS

Specific Location and/or Address 1809 So Clinton Street
Reason for Project Used Car Sales Lot
Discussion (Including relationship to other Council actions) <u>23 January 1989 - Public Hearing</u> Z.K. Tazian, representing BTS Realty Inc, stated that they are asking for the rezoning so that the property can be used for used car sales. He stated that presently the property is being used under a variance, for employee parking and is paved and landscaped. He stated that this property is surrounded by commercial and industrial zoning. He stated that there is R3 zoning to the south of the property but it is separated by an alley. He stated that the site is in the Enterprise Zone. He stated that he did not feel that this lot would be feasible to be used for residential purposes or even multi-family development. Mel Smith questioned if this lot was actually being used for employee parking only at this time. Mr. Tazian stated that there were about three cars on the lot that afternoon that did not have license plates. Mel Smith questioned if they give them this rezoning would they be back again for more

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) BTS Realty Inc City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -would encourage commercial encroachment into residential areas
Board or Commission Recommendation	By <input type="checkbox"/> For <input type="checkbox"/> Against <input checked="" type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

employee parking or is there parking available for the people parking on this lot.

Neal Nagel, employee of Tom Kelley Buick, Vice-President of Operations stated that there is a vacant house on the southeast corner of Masterson and Clinton Street and they were planning on expanding the employee parking onto this lot. He stated they currently use the northeast corner of Masterson and Clinton Streets for employee parking. He stated that they are rearranging some of the existing lots for employee parking.

Kyle Witwer, stated that he had done a great deal of work for Tom Kelley Buick and BTS Realty. He stated that they are trying to keep business downtown and with their expanded GMC Truck Line it is requiring them to have sufficient parking for that new line. He stated that he felt that this rezoning was in the best interest of the city. He stated that this area is somewhat deteriorated and what they are doing is an improvement in the area and he supported their request.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

30 January 1989 - Business Meeting

Motion was made and seconded to DEFER the request for 30 days. Motion carried.

Of the nine (9) members present eight (8)

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

voted for the motion, one (1) did not vote.

March 6, 1989 - Business Meeting

Petitioner WITHDREW the request prior to any Commission Action.

NOTE: The petitioner has filed with the Board of Zoning Appeals and the case will be heard on April 27, 1989.

Project Start

Date December 22, 1988

Projected Completion or Occupancy

Date March 16, 1989

Fact Sheet Prepared by

Date March 16, 1989

Patricia Biancaniello

Reviewed by

Date

March 28, 1989

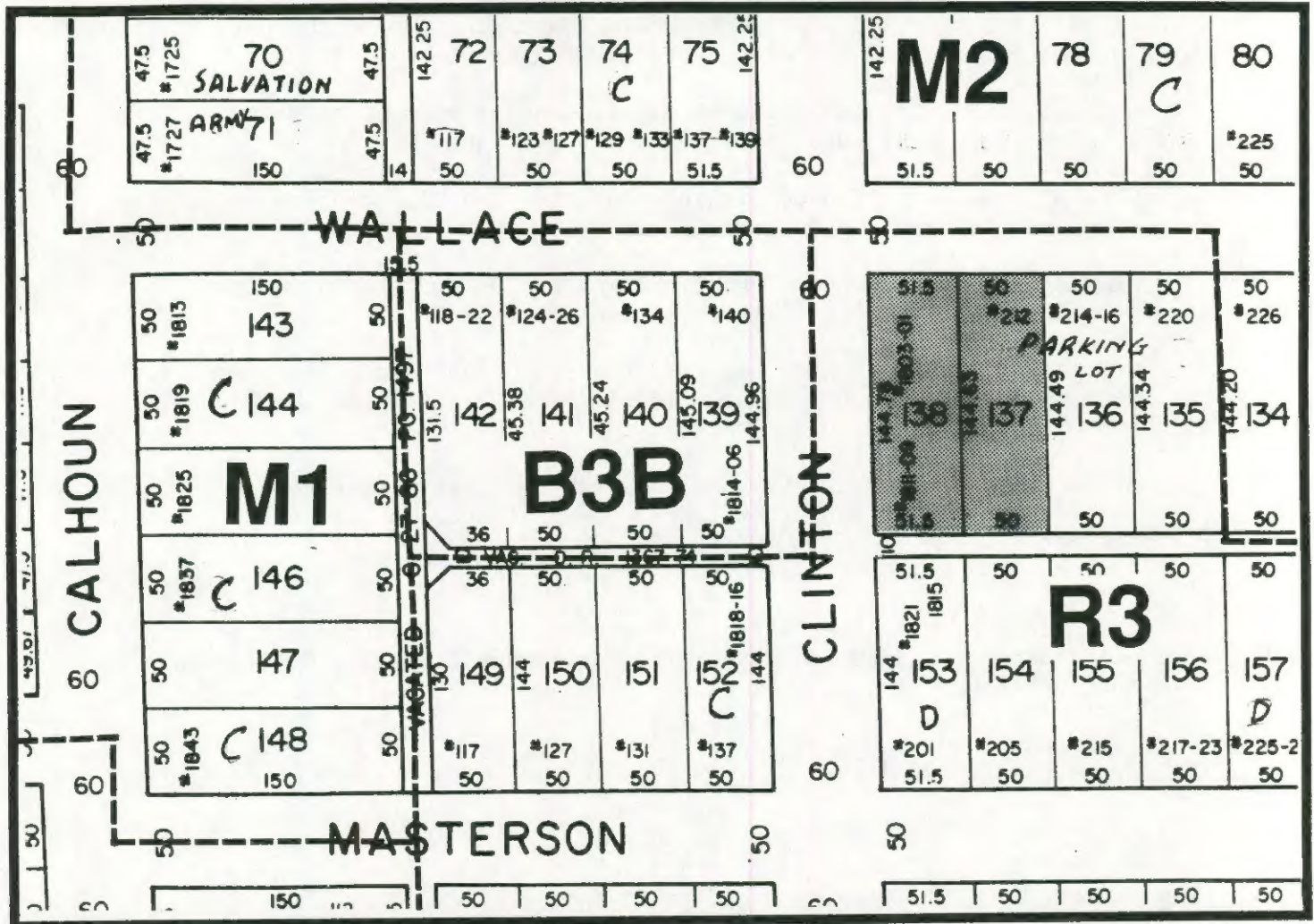
Reference or Case Number

REZONING PETITION #379

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **R3** DISTRICT TO A **B3B** DISTRICT.

MAP NO. **M-2**

COUNCILMANIC DISTRICT NO. 1



ZONING:

R3 RESIDENTIAL DISTRICT
 B3B GENERAL BUSINESS "B"
 M1 LIGHT INDUSTRIAL
 M2 GENERAL INDUSTRY

LAND USE:

- ☐ SINGLE FAMILY
- ☒ COMMERCIAL
- ☒ DUPLEX

SCALE: NTS

DATE: 1-5-89



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

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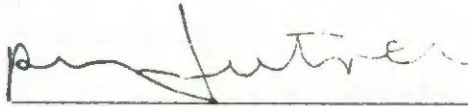
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Certified and signed this
16th day of March 1989.

A handwritten signature in dark ink, appearing to read "Robert Hutner", is written over a horizontal line.

Robert Hutner
Secretary

Z. K. Tazian Associates, agent for B.T.S. Realty Inc., requests a change of zone from R-3 to B-3-B.

Location: 1809 S. Clinton Street

Legal: Lots 137 & 138 Hamiltons Fourth Add.

Land Area: Approximately 0.33 acres

Zoning: R-3

Surroundings:

North	M-2	Commercial
South	R-3	Residential
East	R-3/M-2	Commercial
West	B3B/R-3	Commercial

Reason for Request: Not stated on petition

Neighborhood Assoc.:LaRez

Neighborhood Plan: The LaRez Neighborhood Plan makes two relevant comments:

First, the general land use strategy is to preserve residential areas "...by preventing the spread of industrial and commercial land uses into residential areas."

Second, the plan states that "Commercial expansion should take place where business is now located along Calhoun Street...Any expansion of general business along Clinton and Lafayette Streets should be discouraged."

Because this petition would encroach into a residentially zoned district, and because it would allow for commercial expansion along Clinton Street, the LaRez Plan provides two bases for recommending that the petition be denied.

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located are; 1) to maintain existing development: 2) to halt deterioration and 3) to encourage reinvestment.

Landscape:

If approved: Provide a min. 6 ft. visual barrier between this development and properties to south. Provide min. 3' ht. landscape screen of parking from street view, if developed on this site.

Planning Staff Discussion:

This site currently houses a parking lot that was approved thru the Board of Zoning Appeals in 1986. The area to the immediate east houses commercial uses, as does the area to the north, and west. South of these lots is a fairly solid residential district.

We have two major areas of concern regarding this petition. First, we feel that the protection of residential neighborhoods is of utmost importance to the city. We see a need to support the Comprehensive Plan's goals of prevention of neighborhood deterioration, and encouragement of re-investment. Secondly, we envision Clinton Street as one of the gateways to the City of Fort Wayne. Idealistically those gateway areas should be developed to show Fort Wayne at its best. Landscape buffers should be incorporated to mitigate the impact of use differences, and to enhance the visual aesthetics of the area.

The requested B-3-B classification is a general business designation that permits a number of uses that could have negative impacts on the area. Approval could lead to an increased potential for traffic congestion and conflicts, and further deterioration of the area. Approval of this request would therefore not be in the best interest of the city, nor the area residents.

If after evaluation, the Plan Commission should elect to recommend approval of the petition, we would strongly suggest that a minimum 3 ft. high landscape buffer be required along the street view, and a minimum 6 ft. high landscape buffer be required along the south property lines.

Recommendation: Do Not Pass

- 1) Approval would encourage commercial encroachment into residential areas, contrary to the Neighborhood Plan.
 - 2) Approval would have the potential of discouraging re-investment in the area, and could create additional traffic congestion and conflicts.
 - 3) Approval would not be consistent with the overall concept of the gateway corridors policies.
- 18

ORIGINAL

ORIGINAL

DIGEST SHEET

#379
TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 1809 So Calhoun St

Z-89-01-22

EFFECT OF PASSAGE Property is presently zoned R-3 - Multi-Family Residential.

Property will become B-3-B - General Business District.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multi-Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

BILL NO. Z-89-01-22

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
STIER, SCHMIDT, TALARICO

*withdrawn
4/4/89*

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. M-2

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND
BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID

(ORDINANCE) (~~RESOLUTION~~) _____

DO PASS

DO NOT PASS

ABSTAIN

NO REC

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____

DATED:

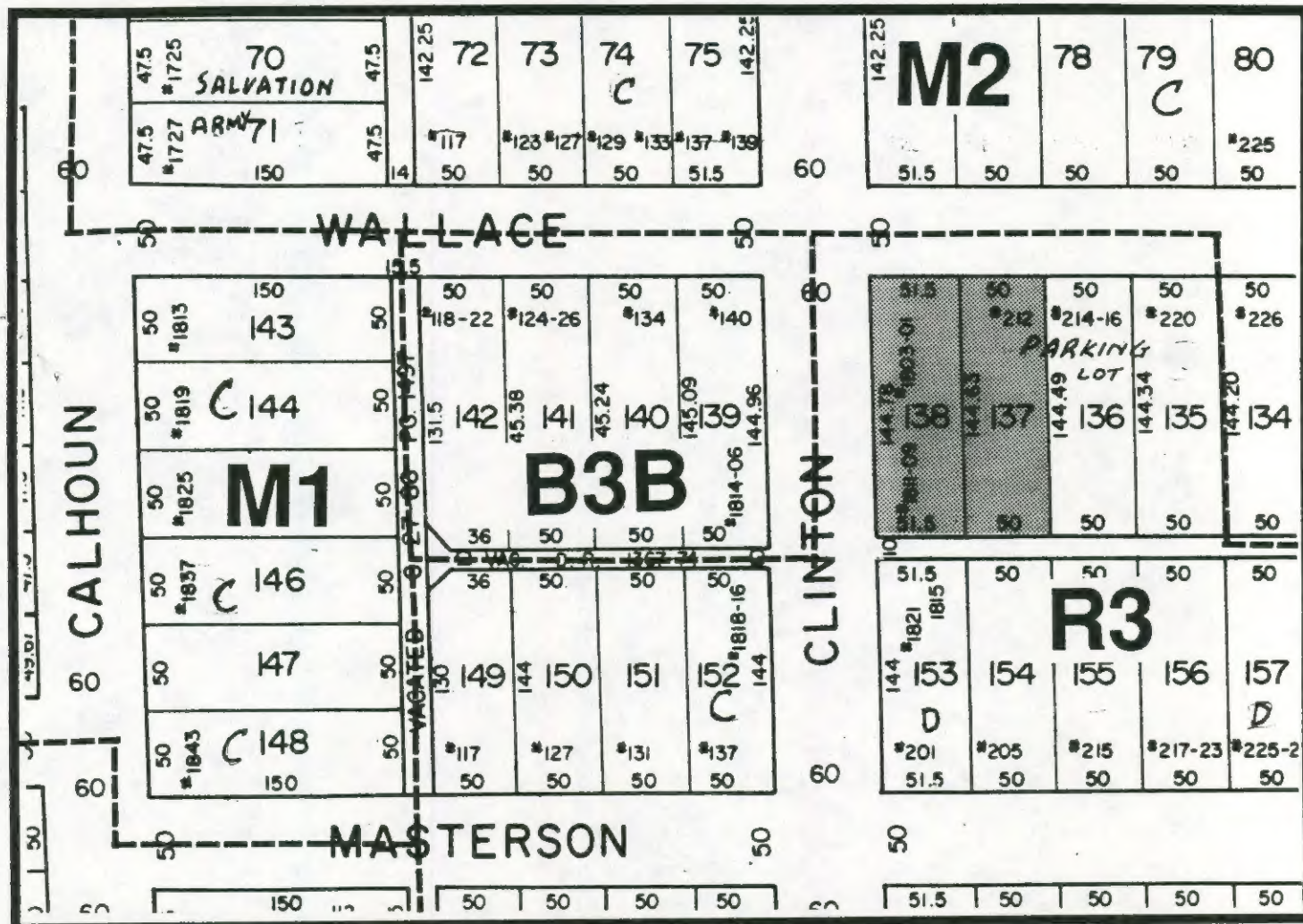
Sandra E. Kennedy
City Clerk

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